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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,669	09/26/2001	Benoit Patrick Bertrand	05222.00173	2989

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BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE  
10 S. WACKER DRIVE, 30TH FLOOR  
CHICAGO, IL 60606

EXAMINER

BELL, MELTIN

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/868,669

Applicant(s)

BERTRAND ET AL.

Examiner

Meltin Bell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 17-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/2-7-02</u> . | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This action is responsive to application **09/868,669** filed 09/26/01.

Claims 1-18 have been examined.

#### ***Priority***

Acknowledgment is made of applicant's claim for priority based on application 09/218,726 filed in the United States on **12/22/98**.

#### ***Information Disclosure Statement***

Applicant is respectfully reminded of the ongoing Duty to disclose 37 C.F.R. 1.56 all pertinent information and material pertaining to the patentability of applicant's claimed invention, by submitting in a timely manner PTO-1449, Information Disclosure Statement (IDS) with the filing of applicant's application or thereafter. The information disclosure statement filed 2/7/02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of missing or inaccurate information in the listing:

- Many references are missing the date of publication. Examples include
  - "Evaluating the effectiveness of feedback in SQL-tutor"
  - "Automated Training of Legal Reasoning" and related web page
  - "CAPTOR a model for delivering web based intelligent tutoring system technology"
  - "KBLPS Overview" and related web page
  - "Practical methods for automatically generating typed links"
  - "Teaching Real-World Analysis Skills for Goal Based Scenario".

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It has been placed in the application file. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Drawings***

The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the drawings.

The drawings are objected to because:

- Fig. 2 is missing item 234, the mathematical modeling tool of page 4, line 7.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities:

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- Figure 2, item 230 System Dynamics Engine is referred to as set of messages on page 3, line 38 and Solution Construction Aid (SCA) on page 4, line 6.
- Figure 2, item 250 System Dynamics Model (PowerSim) is referred to as knowledge system on page 4, line 8.
- Figure 2, item 270 Intelligent Coaching Agent (C++) is referred to as software tutor on page 4, line 10.
- Figure 2, item 240 Simulation Engine is referred to as artificial intelligence engine on page 4, line 10.
- Figure 2, item 242 Deliver Feedback is referred to as client cultural messages on page 4, line 12.
- Figure 2, item 238 Inputs Outputs is referred to as drag and drop association of information on page 4, line 15.

Appropriate correction is required.

### ***Claim Objections***

Claims 17 and 18 are objected to because of the following informalities:

**Regarding claim 17:**

- This claim is a duplicate of claim 18. It should be modified or removed.

**Regarding claim 18:**

- This claim is a duplicate of claim 17. It should be modified or removed.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims (e.g. "goal", "presentation model", "table of components", "spreadsheet", "instantiating") raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. For example, if claim 1 was amended to recite a computer-implemented method, it will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

***Claim Rejections - 35 USC § 103***

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Office to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Purcell, Jr.* USPN 5,727,161 (March 10, 1998) in view of *Cook et al* W.I.P.O. International Publication Number WO 97/44766 A1 (November 27, 1997).

**Regarding claim 1:**

*Purcell, Jr.* teaches,

- (a) presenting information indicative of a goal in a spreadsheet format (Figs. 7, 15, 19, 22, 34, 46)

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- (b) analyzing the spreadsheet format and translating the information into a presentation model (Abstract, "Graphic analyses are...to what-if possibilities")
- (c) integrating information that motivates accomplishment of the goal into the presentation model (column 3, lines 12-22, "The software further...the input data")
- (d) managing information flow utilizing a table of components (column 11, lines 55-65, "Each spreadsheet page...numbers of cells")

However, *Purcell, Jr.* doesn't explicitly teach evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal while *Cook et al* teaches,

- (e) evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal (page 10, lines 24-31, "A further important...student's pedagogic characteristics")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for

- Individualized instruction (*Cook et al*, Abstract, sentence 1, "This invention relates...computer assisted instruction")
- Conciseness in the presentation (*Purcell, Jr.*, column 6, lines 25-33, "the developed and...and ongoing application")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine *Purcell, Jr.* with *Cook et al* to obtain the invention specified in claim 1, a method for creating a presentation. The modification would have been obvious because one of ordinary skill in the art



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would have been motivated to succinctly personalize the presentation to the user.

**Regarding claim 2:**

The rejection of claim 1 is incorporated. Claim 2's further limitations are taught in *Cook et al*,

- the step of instantiating a component from the table of components to measure progress toward the goal based on the presentation model (page 20, lines 15-23, "Teachers and administrators...even one student")

Therefore, claim 2 is rejected under the same rationale as claim 1.

**Regarding claim 3:**

The rejection of claim 2 is incorporated. Claim 3's further limitations are taught in *Cook et al*,

- the step of instantiating a component from the table of components to interrupt and interview a student to obtain information to measure progress toward the goal and determine appropriate feedback based on the presentation model (page 20, lines 4-12, "the student can...or remediation materials").

Therefore, claim 3 is rejected under the same rationale as claim 2.

**Regarding claim 4:**

The rejection of claim 1 is incorporated. Claim 4's further limitations are taught in *Cook et al*,

- instantiating a component from the table of components to analyze progress and determine appropriate feedback based on the presentation model (page 124, lines 2-12, "These named display...to generate displays")

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Therefore, claim 4 is rejected under the same rationale as claim 1.

**Regarding claim 5:**

The rejection of claim 1 is incorporated. Claim 5's further limitations are taught in *Cook et al*,

- the step of instantiating a component from the table of components to evaluate options and present appropriate feedback to assist a student to achieve the goal based on the presentation model (page 63, lines 1-16, "the ABI system... of task scheduling"; page 124, lines 2-12, "These named display... to generate displays")

Therefore, claim 5 is rejected under the same rationale as claim 1.

**Regarding claim 6:**

The rejection of claim 1 is incorporated. Claim 6's further limitations are taught in *Cook et al*,

- instantiating a component from the table of components to simulate a business application based on the presentation model (page 12, lines 3-10, "An object of... computer-assisted instruction systems"; page 47, lines 22-34, "The ABI system... performance and utilization"; page 109, Table 3; page 124, lines 2-12, "These named display... to generate displays")

Therefore, claim 6 is rejected under the same rationale as claim 1.

**Regarding claim 7:**

The rejection of claim 1 is incorporated. Claim 7's further limitations are taught in *Cook et al*,

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- instantiating a component from the table of components to interact with a quantitative analysis model to perform what-if analysis based on the presentation model (page 124, lines 2-12, "These named display... to generate displays")

Therefore, claim 7 is rejected under the same rationale as claim 1.

**Regarding claim 8:**

The rejection of claim 1 is incorporated. Claim 8's further limitations are taught in *Cook et al*,

- instantiating a component from the table of components to interact with a student utilizing rule-based logic based on the presentation model (page 46, lines 8-12, "during access to... caught and rejected"; page 124, lines 2-12, "These named display... to generate displays")

Therefore, claim 8 is rejected under the same rationale as claim 1.

**Regarding claim 9:**

The rejection of claim 1 is incorporated. Claim 9's further limitations are taught in *Cook et al*,

- instantiating a component from the table of components to present a time based simulation based on the presentation model (page 24, lines 7-25, "The corresponding event...the time elapsed"; page 109, Table 3; page 124, lines 2-12, "These named display...to generate displays")

Therefore, claim 9 is rejected under the same rationale as claim 1.

**Regarding claim 10:**

*Purcell, Jr.* teaches,

- (a) a processor (Fig. 1, item 104)

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- (b) a memory that stores information under the control of the processor (Fig. 1, item 116)
- (c) logic that presents information indicative of a goal in a spreadsheet format (Figs. 7, 15, 19, 22, 34, 46)
- (d) logic that analyzes the spreadsheet format and translates the information into a presentation model (Abstract, "Graphic analyses are... to what-if possibilities")
- (e) logic that integrates information that motivates accomplishment of the goal into the presentation model (column 24, lines 30-58, "One or more...load module integrity")
- (f) logic that manages information flow utilizing a table of components (column 11, lines 55-65, "Each spreadsheet page...numbers of cells")

However, *Purcell, Jr.* doesn't explicitly teach evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal while *Cook et al* teaches,

- (a) a processor (page 29, lines 20-22, "A NC is...or the Internet")
- (b) a memory that stores information under the control of the processor (page 29, lines 20-22, "A NC is...or the Internet")
- (g) logic that evaluates progress toward the goal and provides feedback that further motivates accomplishment of the goal (page 10, lines 24-31, "A further important... student's pedagogic characteristics")

Motivation – The portions of the claimed apparatus would have been a highly desirable feature in this art for

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- Individualized instruction (*Cook et al*, Abstract, sentence 1, "This invention relates...computer assisted instruction")
- Conciseness in the presentation (*Purcell, Jr.*, column 6, lines 25-33, "the developed and...and ongoing application")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine *Purcell, Jr.* with *Cook et al* to obtain the invention specified in claim 10, an apparatus that creates a presentation. The modification would have been obvious because one of ordinary skill in the art would have been motivated to succinctly personalize the presentation to the user.

**Regarding claim 11:**

The rejection of claim 10 is incorporated. Claim 11's further limitations are taught in *Cook et al*,

- logic that instantiates a component from the table of components to measure progress toward the goal based on the presentation model (page 20, lines 15-23, "Teachers and administrators...even one student")

Therefore, claim 11 is rejected under the same rationale as claim 10.

**Regarding claim 12:**

The rejection of claim 10 is incorporated. Claim 12's further limitations are taught in *Cook et al*,

- logic that instantiates a component from the table of components to interrupt and interview a student to obtain information to measure progress toward the

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goal and determine appropriate feedback based on the presentation model (page 20, lines 4-12, "the student can...or remediation materials").

Therefore, claim 12 is rejected under the same rationale as claim 10.

**Regarding claim 13:**

The rejection of claim 10 is incorporated. Claim 13's further limitations are taught in *Cook et al*,

- logic that instantiates a component from the table of components to analyze progress and determine appropriate feedback based on the presentation model (page 124, lines 2-12, "These named display...to generate displays")

Therefore, claim 13 is rejected under the same rationale as claim 10.

**Regarding claim 14:**

The rejection of claim 10 is incorporated. Claim 14's further limitations are taught in *Cook et al*,

- logic that instantiates a component from the table of components to evaluate options and present appropriate feedback to assist a student to achieve the goal based on the presentation model (page 63, lines 1-16, "the ABI system...of task scheduling"; page 124, lines 2-12, "These named display...to generate displays")

Therefore, claim 14 is rejected under the same rationale as claim 10.

**Regarding claim 15:**

The rejection of claim 10 is incorporated. Claim 15's further limitations are taught in *Cook et al*,

- logic that instantiates a component from the table of components to simulate a business application based on the presentation model (page 12, lines 3-10, "An

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object of...computer-assisted instruction systems”; page 47, lines 22-34, “The ABI system...performance and utilization”; page 109, Table 3; page 124, lines 2-12, “These named display...to generate displays”)

Therefore, claim 15 is rejected under the same rationale as claim 10.

**Regarding claim 16:**

The rejection of claim 10 is incorporated. Claim 16’s further limitations are taught in *Cook et al*,

- logic that instantiates a component from the table of components to interact with a quantitative analysis model to perform what-if analysis based on the presentation model (page 124, lines 2-12, “These named display...to generate displays”)

Therefore, claim 16 is rejected under the same rationale as claim 10.

**Regarding claim 17:**

The rejection of claim 10 is incorporated. Claim 17’s further limitations are taught in *Cook et al*,

- logic that instantiates a component from the table of components to present a time based simulation based on the presentation model (page 24, lines 7-25, “The corresponding event...the time elapsed”; page 109, Table 3; page 124, lines 2-12, “These named display...to generate displays”)

Therefore, claim 17 is rejected under the same rationale as claim 10.

**Regarding claim 18:**

The rejection of claim 10 is incorporated. Claim 18’s further limitations are taught in *Cook et al*,

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- logic that instantiates a component from the table of components to present a time based simulation based on the presentation model (page 24, lines 7-25, "The corresponding event...the time elapsed"; page 109, Table 3; page 124, lines 2-12, "These named display...to generate displays")

Therefore, claim 18 is rejected under the same rationale as claim 10.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Purcell, Jr.*; USPN 5,727,161
- *Cook et al*; WO 9744766 A1
- *Bertrand et al*; USPN 6,018,731; System, method and article of manufacture for a goal based system utilizing a spreadsheet and table based architecture
- *Amado*; USPN 5,701,400; Method and apparatus for applying if-then-else rules to data sets in a relational data base and generating from the results of application of said rules a database of diagnostics linked to said data sets to aid executive analysis of financial data
- *Dolan et al*; USPN 5,317,677; Matching technique for context sensitive rule application
- *Lubin et al*; USPN 5,395,243; Interactive learning system
- *Guinta et al*; USPN 6,092,060; Computer-aided methods and apparatus for assessing an organizational process or system
- *McKee et al*; USPN 6,272,482; Managing business rules using jurisdictions



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- *Simonini*; PCT/US99/02656 International Preliminary Examination Report;

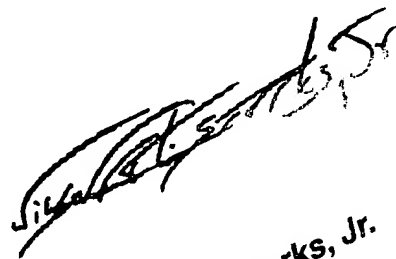
24/07/2000 demand submission date, 06.04.2001 report completion date

Any inquiry concerning this communication or earlier communications from the Office should be directed to Meltin Bell whose telephone number is 703-305-0362. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:30 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anil Khatri, can be reached on 703-305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MB */M. H.*



Wilbert L. Starks, Jr.  
Primary Examiner  
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